

DONALD SPECTER – 083925
CORENE KENDRICK – 226642
MARGOT MENDELSON – 268583
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

GEOFFREY T. HOLTZ – 191370
MORGAN LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, California 94105-1596
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

LINDA D. KILB – 136101
DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
3075 Adeline Street, Suite 201
Berkeley, California 94703
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

MICHAEL W. BIEN – 096891
GAY C. GRUNFELD – 121944
ERNEST GALVAN – 196065
PENNY GODBOLD – 226925
ROSEN BIEN
GALVAN & GRUNFELD LLP
50 Fremont St, 19th Floor
San Francisco, California 94105
Telephone: (415) 433-6830
Facsimile: (415) 433-7104

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOHN ARMSTRONG, et al.,

Plaintiff,

v.

EDMUND G. BROWN, JR., et al.,

Defendant.

Case No. C94 2307 CW

**~~PROPOSED~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE SECOND QUARTER OF
2017**

Judge: Hon. Claudia Wilken

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on July 20, 2017, Plaintiffs served on Defendants
5 their Second Quarterly Statement for 2017 by overnight delivery. The parties completed
6 their meet-and-confer process on August 17, 2017 as to the fees and costs incurred on all
7 matters.

8 As a result of the August 17, 2017 agreement, the parties agree to the following:

9 The parties agree to the payment of \$1,147,086.43 to resolve all fees and costs
10 incurred during the Second Quarter of 2017, for monitoring and/or litigation activities in
11 the California Department of Corrections of Rehabilitation Division of Adult Operations
12 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims.

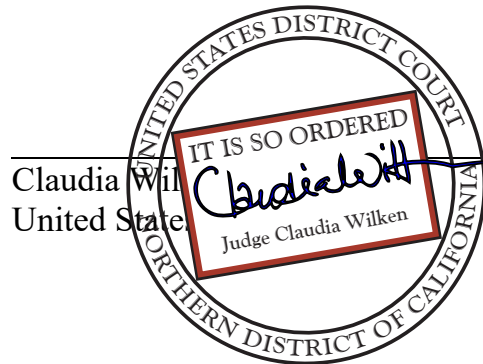
15 The parties agree to the payment of \$43,478.72 to resolve all fees and costs incurred
16 during the Second Quarter of 2017, for monitoring and/or litigation activities in the Board
17 of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts
18 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
19 parties to settle these claims.

20 The parties agree to the payment of \$230,874.50 to resolve all fees and costs
21 incurred during the Second Quarter of 2017, for monitoring and/or litigation activities in
22 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 The parties agree to the payment of \$14,011.69 to resolve all fees and costs incurred
26 during the Second Quarter of 2017, for fees work. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 IT IS HEREBY ORDERED that the amounts set forth above are due and
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
3 and costs will run from August 21, 2017, accruing at the rate provided by 28 U.S.C.
4 § 1961.

5
6 DATED: August 25, 2017



7
8
9 APPROVED AS TO FORM:

10
11 DATED: August 23, 2017

/s/Sharon Garske

Sharon A. Garske
Deputy Attorney General
Attorney for Defendants

12
13
14 DATED: August 23, 2017

/s/Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Brown
Second Quarterly Statement of 2017
April 1, 2017 through June 30, 2017

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$1,120,501.92	\$26,584.51
	TOTAL UNDISPUTED:	\$1,147,086.43

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	Actual	Claimed	2017	Fees Now Owing	
	Hours	Hours	Rates	Total Claimed	Based on Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	7.20	7.20	\$950	\$6,840.00	\$6,566.40
Gay C. Grünfeld (GCG)	33.50	33.50	\$825	\$27,637.50	\$26,532.00
Ernest Galvan (EG)	0.10	0.00	\$780	\$0.00	\$0.00
Penny Godbold (PG)	313.70	311.80	\$675	\$210,465.00	\$202,046.40
Thomas Nolan (TN)	140.20	140.20	\$700	\$98,140.00	\$94,214.40
Lisa Ells (LAE)	0.90	0.00	\$650	\$0.00	\$0.00
Michael L. Freedman (MLF)	12.80	11.20	\$575	\$6,440.00	\$6,182.40
Ben Bien-Kahn (BBK)	46.80	42.90	\$515	\$22,093.50	\$21,209.76
Krista Stone-Manista (KSM)	122.80	120.00	\$515	\$61,800.00	\$59,328.00
Jenny Yelin (JY)	47.80	47.50	\$500	\$23,750.00	\$22,800.00
Michael Nunez (MSN)	2.10	0.00	\$490	\$0.00	\$0.00
Pablo Lastra (PL)	28.20	25.00	\$450	\$11,250.00	\$10,800.00
Christopher D. Hu (CDH)	46.20	40.80	\$425	\$17,340.00	\$16,646.40
Karen Stilber (KES)	113.10	112.20	\$325	\$36,465.00	\$35,006.40
Linda Woo (LHW)	25.70	25.70	\$325	\$8,352.50	\$8,018.40
F. Gail LaPurja (FGL)	0.80	0.00	\$275	\$0.00	\$0.00
Greg Gonzalez (GZG)	30.90	29.30	\$275	\$8,057.50	\$7,735.20
Katherine Hamilton (KCH)	262.30	231.60	\$240	\$55,584.00	\$53,360.64
Charlotte Landes (CJL)	11.80	11.80	\$240	\$2,832.00	\$2,718.72
Kelly McGraw (KAM)	144.60	138.70	\$240	\$33,288.00	\$31,956.48
Nathalie Welch (NW)	48.60	31.80	\$240	\$7,632.00	\$7,326.72
Hanna Wallace (HW)	26.70	16.90	\$225	\$3,802.50	\$3,650.40
Total Hours:	1,466.80	1,378.10		\$641,769.50	\$616,098.72
RBGG FEES:					
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	27.30	27.30	\$950	\$25,935.00	\$24,897.60
Sara Norman (SN)	43.50	43.50	\$790	\$34,365.00	\$32,990.40
Corene Kendrick (CK)	80.80	80.80	\$675	\$54,540.00	\$52,358.40
Rita Lomio (RL)	28.60	28.60	\$595	\$17,017.00	\$16,336.32
Margot Mendelson (MM)	129.20	129.20	\$500	\$64,600.00	\$62,016.00
Sia N. Henry (SNH)	204.40	204.40	\$425	\$86,870.00	\$83,395.20
Amber Norris (AN)	203.40	203.40	\$325	\$66,105.00	\$63,460.80
Joseph E. Bear (JEB)	66.50	66.50	\$250	\$16,625.00	\$15,960.00
Laura Graham (LG)	83.10	83.10	\$250	\$20,775.00	\$19,944.00
Isaac Dalke (ID)	70.10	70.10	\$250	\$17,525.00	\$16,824.00
Meg O'Neill (MO)	62.50	62.50	\$250	\$15,625.00	\$15,000.00
Megan Lynch (ML)	118.60	118.60	\$315	\$37,359.00	\$35,864.64
Ehsan Sadeghi (ES)	181.00	181.00	\$250	\$45,250.00	\$43,440.00
Briana Zwifler (BZ)	29.70	29.70	\$250	\$7,425.00	\$7,128.00
Bernadette Rabuy (BR)	36.70	36.70	\$250	\$9,175.00	\$8,808.00
Sarah Hopkins	21.50	21.50	\$250	\$5,375.00	\$5,160.00
Total Hours:	1,386.90	1,386.90		\$524,566.00	\$503,583.36
PLO FEES:					
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LK)	0.4	0.4	\$815	\$326.00	\$312.96
Case Clerk	3.20	3.20	\$165	\$528.00	\$506.88
Total Hours:	3.20	3.20		\$854.00	\$819.84
DREDF FEES:					
TOTAL CDCR/AOAP MONITORING FEES:				\$1,167,189.50	\$1,120,501.92

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Costs***Matter: CDCR/AOAP Merits/Monitoring*****Costs Now Owing****Based on Negotiated****Compromise****Rosen, Bien, Galvan & Grunfeld (581-3)****Costs**

Photocopying (In house)	\$3,008.40	\$2,888.06
Photocopying/printing (Outside)	\$1,629.01	\$1,563.85
Translation/Interpreter Services	\$1,252.25	\$1,202.16
Online Research - PACER, Westlaw	\$144.30	\$138.53
Postage & Delivery	\$536.10	\$514.66
Telephone	\$4.50	\$4.32
Travel - Mileage, Tolls, Food	\$7,766.74	\$7,456.07
Total RBGG Costs:	\$14,341.30	\$13,767.65

Prison Law Office

Photocopying (In house)	\$614.20	\$589.63
Translation services	\$111.96	\$107.48
Interpreter services (SLI)	\$2,134.22	\$2,048.85
Travel - Mileage, Tolls, Food	\$9,031.02	\$8,669.78
Postage & Delivery	\$1,234.59	\$1,185.21
Total PLO Costs:	\$13,125.99	\$12,600.95

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$188.60	\$181.06
Postage & Delivery	\$36.31	\$34.86
Total DREDF Costs:	\$224.91	\$215.91

TOTAL CDCR/AOAP MERITS/MONITORING COSTS:	\$27,692.20	\$26,584.51
---	--------------------	--------------------

EXHIBIT B

Armstrong v. Brown
Second Quarterly Statement of 2017
April 1, 2017 through June 30, 2017

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$42,967.68	\$511.04
	TOTAL UNDISPUTED:	\$43,478.72

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Matter: BPH**BPH (581-4)**

Actual	Claimed	2017		Fees Now Owing
				<u>Based on</u>
				<u>Negotiated</u>
				<u>Compromise</u>

BPH MONITORING (581-4)**ROSEN, BIEN, GALVAN & GRUNFELD**

Gay C. Grunfeld (GCG)	3.40	3.40	\$825	\$2,805.00	\$2,692.80
Thomas Nolan (TN)	26.10	26.10	\$700	\$18,270.00	\$17,539.20
Michael L. Freedman (MLF)	0.60	0.00	\$575	\$0.00	\$0.00
Kelly A. McGraw (KAM)	6.30	6.30	\$240	\$1,512.00	\$1,451.52
Katherine Hamilton (KCH)	2.60	2.30	\$240	\$552.00	\$529.92
Total Hours:	39.00	38.10			

RBGG FEES:

	\$23,139.00	\$22,213.44
--	--------------------	--------------------

PRISON LAW OFFICE

Donald Specter (DS)	0.4	0.4	\$950	\$380.00	\$364.80
Sara Norman (SN)	4.80	4.80	\$790	\$3,792.00	\$3,640.32
Rana Anabtawi (RA)	24.80	24.80	\$515	\$12,772.00	\$12,261.12
Mae Ackerman-Brimberg (MAB)	11.00	11.00	\$425	\$4,675.00	\$4,488.00
Total Hours:	41.00	41.00			

PLO FEES:

	\$21,619.00	\$20,754.24
--	--------------------	--------------------

TOTAL FEES FOR**BPH WORK:**

	\$44,758.00	\$42,967.68
--	--------------------	--------------------

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Costs***Matter: BPH***

	<u>Costs</u>	Costs Now Owing <u>Based on Negotiated Compromise</u>
<u>Rosen, Bien, Galvan & Grunfeld (581-4)</u>		
Photocopying (In house)	\$98.20	\$94.27
Travel - Mileage, Tolls, Food	\$138.75	\$133.20
Total RBGG Costs:	\$236.95	\$227.47
 <u>Prison Law Office</u>		
Travel - Mileage, Tolls, Food	\$295.38	\$283.56
Total PLO Costs:	\$295.38	\$283.56
 TOTAL BPH COSTS:	\$532.33	\$511.04

EXHIBIT C

Armstrong v. Brown
Second Quarterly Statement of 2017
April 1, 2017 through June 30, 2017

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$226,278.24	\$4,596.26
TOTAL UNDISPUTED:		\$230,874.50

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Matter: DAPO Monitoring**DAPO Monitoring (581-9)**

	Actual	Claimed	2017		Fees Now Owing
					Based on
					<u>Negotiated</u>
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total Claimed</u>	<u>Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	2.00	2.00	\$950	\$1,900.00	\$1,824.00
Gay C. Grunfeld (GCG)	29.90	29.90	\$825	\$24,667.50	\$23,680.80
Ernest Galvan (EG)	0.40	0.00	\$780	\$0.00	\$0.00
Penny Godbold (PG)	65.60	65.60	\$675	\$44,280.00	\$42,508.80
Thomas Nolan (TN)	25.80	25.80	\$700	\$18,060.00	\$17,337.60
Michael L. Freedman (MLF)	28.40	28.20	\$575	\$16,215.00	\$15,566.40
Benjamin Bien-Kahn (BBK)	67.70	66.70	\$515	\$34,350.50	\$32,976.48
Krista Stone-Manista (KSM)	0.10	0.00	\$515	\$0.00	\$0.00
Jenny S. Yelin (JSY)	75.50	67.00	\$500	\$33,500.00	\$32,160.00
Pablo Lastra (PAL)	11.10	10.10	\$450	\$4,545.00	\$4,363.20
Christopher Hu (CDH)	32.70	31.80	\$425	\$13,515.00	\$12,974.40
Karen Stilber (KES)	9.40	8.90	\$325	\$2,892.50	\$2,776.80
Linda Woo (LW)	6.00	0.00	\$325	\$0.00	\$0.00
Gregorio Gonzalez (GZG)	0.50	0.00	\$275	\$0.00	\$0.00
F. Gail LaPurja (FGL)	18.00	15.30	\$275	\$4,207.50	\$4,039.20
Daniel H. Galindo (DG)	4.50	4.50	\$275	\$1,237.50	\$1,188.00
Kelly McGraw (KAM)	1.50	0.00	\$240	\$0.00	\$0.00
Katherine Hamilton (KCH)	15.10	13.30	\$240	\$3,192.00	\$3,064.32
Fely Villadelgado (FFV)	0.10	0.00	\$275	\$0.00	\$0.00
Nathalie Welch (NCW)	192.90	138.10	\$240	\$33,144.00	\$31,818.24
Total Hours:	587.20	507.20			
RBGG FEES:				\$235,706.50	\$226,278.24
TOTAL FEES FOR DAPO					
MONITORING WORK:				\$235,706.50	\$226,278.24

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Costs***Matter: DAPO Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-9)**

	Costs	Costs Now Owing Based on Negotiated Compromise
Photocopying (in-house)	\$768.00	\$737.28
Photocopying (outside)	\$285.14	\$273.73
Westlaw	\$289.07	\$277.51
Long distance telephone charges	\$6.40	\$6.14
Inhouse Postage	\$123.68	\$118.73
Travel - Mileage, Tolls, Food	\$3,315.48	\$3,182.86
Total RBGG Costs:	\$4,787.77	\$4,596.26
TOTAL DAPO MONITORING COSTS:	\$4,787.77	\$4,596.26

EXHIBIT D

Armstrong v. Brown
Second Quarterly Statement of 2017
April 1, 2017 through June 30, 2017

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$13,798.56	\$213.13
TOTAL UNDISPUTED:		\$14,011.69

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Matter: All Matters Fees Work**Fees (581-2)**

	Actual	Claimed	2017		Fees Now Owing
					<u>Based on</u>
					<u>Negotiated</u>
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total Claimed</u>	<u>Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	9.70	9.70	\$825	\$8,002.50	\$7,682.40
Ernest Galvan (EG)	0.20	0.00	\$780	\$0.00	\$0.00
Lisa Ells (LE)	0.10	0.00	\$650	\$0.00	\$0.00
Jenny S. Yelin (JSY)	0.10	0.00	\$500	\$0.00	\$0.00
Karen E. Stilber (KES)	14.50	13.80	\$325	\$4,485.00	\$4,305.60
Katherine Hamilton (KCH)	0.50	0.00	\$240	\$0.00	\$0.00
Total Hours:	25.10	23.50			
RBGG FEES:				\$12,487.50	\$11,988.00
<u>PRISON LAW OFFICE</u>					
Corene Kendrick (CK)	0.8	0.8	\$675	\$540.00	\$518.40
Ashley Kirby (AK)	5.1	5.1	\$200	\$1,020.00	\$979.20
Total Hours:	5.90	5.90			
PLO FEES:				\$1,560.00	\$1,497.60
<u>DISABILITY RIGHTS EDUCATION AND</u>					
<u>DEFENSE FUND</u>					
Linda Kilb (LDK)	0.40	0.40	\$815	\$326.00	\$312.96
Total Hours:	0.40	0.40			
DREDF FEES:				\$326.00	\$312.96
TOTAL FEES FOR ARMSTRONG					
FEES WORK:				\$14,373.50	\$13,798.56

Armstrong v. Brown

Second Quarterly Statement of 2017

April 1, 2017 through June 30, 2017

Costs***Matter: Fees Work in All Matters***

	Costs	Costs Now Owing <u>Based on Negotiated Compromise</u>
<u>Rosen, Bien, Galvan & Grunfeld (581-2)</u>		
Photocopying and Printing (in-house)	\$168.40	\$161.66
Postage & Delivery	\$43.81	\$42.06
Total RBGG Costs:	\$212.21	\$203.72
 <u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$9.80	\$9.41
Total DREDF Costs:	\$9.80	\$9.41
 TOTAL FEES WORK COSTS :	\$222.01	\$213.13